

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

SEP 12 2017

Clerk, U.S. District Court  
District Of Montana  
Billings

HECTOR GUILLERMO SMITH  
MAC DONALD GONZALEZ,

Plaintiff,

vs.

WHITNEY MERLYNN PETERSON,

Defendant.

CV 17-34-BLG-SPW

ORDER

Before the Court are motions to admit attorneys for Defendant Whitney Peterson *pro hac vice*. (Docs. 39 and 40). On September 6, 2017, Plaintiff Hector Gonzalez voluntarily dismissed the action. (Doc. 36). As of that date, Peterson had not filed an answer or a motion for summary judgment. A plaintiff's voluntarily dismissal of an action before the opposing party has filed an answer or a motion for summary judgment has the legal effect of a court order dismissing the action without prejudice. Fed. R. Civ. P. 41(a)(1)(A-B). The motions are denied because this action was dismissed without prejudice on September 6, 2017.

DATED this 12<sup>th</sup> day of September, 2017.

  
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SUSAN P. WATTERS  
United States District Judge